

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

GARY W. BOWLES

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

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Case No. 4:04CV00040

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ORDER

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By: Jackson L. Kiser

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Senior United States District Judge

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Before me is the Report and Recommendation of the United States Magistrate Judge recommending reversing the Commissioner's final decision denying the Plaintiff's claim for benefits. The Defendant filed objections to the Report and Recommendation. I reviewed Judge Crigler's Report and Recommendation, the Defendant's objections, and relevant portions of the record. The matter is now ripe for decision. For the reasons stated in the accompanying Memorandum Opinion, I **REJECT** the Magistrate's recommendation and **SUSTAIN** the Defendant's objections. The Commissioner's final decision denying the Plaintiff's claim for benefits is **ADOPTED**.

The Clerk is hereby instructed to strike this matter and any outstanding motions from the Court's docket. The Clerk is further directed to send a copy of this Order and the accompanying Memorandum Opinion to the Magistrate Judge and all counsel of record.

Entered this 15th day of July, 2005.

s/Jackson L. Kiser

Senior United States District Judge